

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN DIVISION - MONUMENT
BUILDERS OF NORTH AMERICA, et al.,

Plaintiffs,

vs.

Case No. 05-CV-74721
HON. GEORGE CARAM STEEH

MICHIGAN CEMETERY ASSOCIATION, et al.,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION FOR CONFERENCE
PURSUANT TO MANUAL FOR COMPLEX LITIGATION (# 10),
DENYING PLAINTIFFS' REQUEST FOR ENTRY OF STIPULATION
TO EXTEND TIME FOR DEFENDING THIS LAWSUIT (#13) AS MOOT, AND
NOTICE OF APRIL 12, 2006 STATUS CONFERENCE

Plaintiffs Michigan Division - Monument Builders of North America, DWWD, Inc., and Jackson Monument Works, filed a First Amended Complaint on January 1, 2006 alleging claims of illegal tying arrangements, conspiracy to restrain competition and monopolize trade, and conspiracy to restrain trade and/or attempt to monopolize, each in violation of the Sherman Anti-Trust Act, 15 U.S.C. §§ 1 and 2, violation of Michigan's Prepaid Funeral and Cemetery Sales Act, M.C.L. § 328.228, against 21 defendant cemetery companies. Plaintiffs also allege identical putative class action claims against the 21 defendants. On January 31, 2006, plaintiffs filed a motion to request an expedited initial scheduling conference consistent with the *Manual for Complex Litigation, Fourth*. On February 1, 2006, plaintiffs submitted to the court for entry a stipulation that would allow inter alia defendants Michigan Cemetery Association, Hillcrest Memorial Gardens, Detroit Memorial Park Association, Mikocem LLC, and Arborcrest until March 17, 2005 to answer or otherwise defend. On March 17, 2006, 10 of the 21 party-defendants, including the

defendants named in the proposed stipulated order, filed motions to dismiss and/or joinders to such motions. On March 21, 2006, the court entered a Stipulated Order For Stay as to defendants Glen Eden Memorial Park and Elmwood Cemetery. Three defendants, Greenwood Cemetery Association of Vernon, Michigan, Oakridge Cemetery, and Westlawn Cemetery Association of Lapeer County have yet to file an answer or otherwise defend.

Considering the circumstances of this lawsuit, including that plaintiffs will be required by Local Court Rule to file multiple responses to the several motions to dismiss by April 10, 2006, and in the interests of judicial economy, the court finds a status conference should be held prior to requiring plaintiffs to file their responses. At the status conference, counsel should be prepared to discuss an efficient approach to proceeding with this lawsuit.

Plaintiffs' motion for an expedited initial scheduling conference consistent with the *Manual for Complex Litigation, Fourth* is hereby DENIED, without prejudice, in deference to a status conference. Plaintiffs may, of course, ask the court to adopt an approach consistent with the *Manual for Complex Litigation* at the status conference. Plaintiffs' request for entry of a stipulation to extend the time for filing an answer or otherwise defend in this lawsuit is hereby DENIED as MOOT. The parties are hereby ORDERED to appear **for a STATUS CONFERENCE on WEDNESDAY, APRIL 12, 2006, at 9:00 a.m., in Courtroom # 228, United States Court House, 231 West Lafayette, Detroit, Michigan.** Plaintiffs' date for filing responses to the several motions to dismiss is hereby STAYED pending the results of the status conference.

SO ORDERED.

s/George Caram Steeh

GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: March 31, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on March 31, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk